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FRESNO, FMR. POLICE CHIEF PACO
8 BALDERRAMA, JOHN AYERS,
BRANDON CROCKETT, JONATHAN
9 ABRAHAM, and ANTHONY AGUILAR

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

12
13 MARTHA ZEPEDA OLIVARES,
14 individually and on behalf of the
ESTATE OF MAXIMILIANO SOSA,
15 JR.; MAXIMILIANO SOSA, SR.,

16 Plaintiffs,

17 v.

18 CITY OF FRESNO, UNKNOWN
LAW ENFORCEMENT OFFICERS,
19 POLICE CHIEF PACO
BALDERRAMA JOHN AYERS,
20 BRANDON CROCKETT,
JONATHAN ABRAHAM, and
21 ANTHONY AGUILAR and DOES 1-
30,

22 Defendants.
23 _____

24 MARIA SOSA, L.S. by and through
guardian ad litem MARIA SOSA, M.S.
25 by and through guardian ad litem
JENNIFER LOPEZ, individually and as
26 successors-in-interest to Maximiliano
Sosa,

27 Plaintiffs,

28 v.

Case No. 1:23-cv-01575-JLT-SAB
District Judge Jennifer L. Thurston
Magistrate Judge Stanley A. Boone

**STIPULATION FOR DISMISSAL
WITH PREJUDICE OF SOSA
PLAINTIFFS' NINTH CLAIM FOR
NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS**

*[Proposed Order filed concurrently
herewith]*

Olivares SAC Filed: 2/24/2025
Sosa SAC Filed: 10/04/24

Trial Date: April 6, 2027

CITY OF FRESNO JOHN AYERS,
BRANDON CROCKETT,
JONATHAN ABRAHAM, and
ANTHONY AGUILAR,

Defendants.

By and through their counsel of record in this action, plaintiffs MARIA SOSA, L.S. by and through guardian ad litem MARIA SOSA, M.S. by and through guardian ad litem JENNIFER LOPEZ, individually and as successors-in-interest to Maximiliano Sosa, (collectively herein after as “plaintiffs”) and defendant(s) CITY OF FRESNO, FMR. POLICE CHIEF PACO BALDERRAMA, JOHN AYERS, BRANDON CROCKETT, JONATHAN ABRAHAM, and ANTHONY AGUILAR (collectively herein after as “Defendants”) – the parties – hereby stipulate for the purpose of jointly requesting that, pursuant to the applicable provisions of the Federal Rules of Civil Procedure, the honorable Court enter an Order amending the operative Second Amended Complaint in this action [filed by Sosa plaintiffs June 30, 2025; Dkt. Doc. 63] by dismissing portions thereof as follows.

GOOD CAUSE STATEMENT.

1. Pursuant to the Federal Rules of Civil Procedure, the parties may stipulate to the amendment of Sosa plaintiffs’ Second Amended Complaint (“SAC”) and the Court has the power to strike all or portions of a Complaint and/or to dismiss any and all claims at issue therein. *See, e.g.*, Fed. R. Civ. P. 12(b), 12(c), 12(f), 41(a)(1)(ii).

2. Defendants contend that plaintiffs’ Ninth Claim for Relief of the operative SAC entitles defendants to discovery related to plaintiffs’ mental, psychological and therapeutic records.

3. After conferring on this issue via telephonic conference on September 19, 2025, and in prior and subsequent email correspondence (regarding defendants’ anticipated motion to compel mental, psychological and therapeutic records) in light

1 of the foregoing and in the interests of justice, the parties hereby stipulate that there
2 is Good Cause to dismiss with prejudice from the SAC, the Ninth Claim for Relief
3 Negligent Infliction of Emotional Distress, alleged by Sosa plaintiffs against all
4 defendants.

5 **STIPULATION FOR DISMISSAL RE FOURTH CLAIM FOR RELIEF.**

6 4. In light of the foregoing Good Cause, the parties hereby stipulate to, and
7 respectfully request that the Court issue an appropriate Order giving effect to, the
8 following dismissal with prejudice to the following claim(s) in this action from the
9 operative SAC [Dkt. Doc. 63].

10 5. Plaintiffs hereby stipulate to **dismiss with prejudice** from plaintiffs'
11 operative claims and this civil action, any and all claims alleged against defendants
12 CITY OF FRESNO, FMR. POLICE CHIEF PACO BALDERRAMA, JOHN
13 AYERS, BRANDON CROCKETT, JONATHAN ABRAHAM, and ANTHONY
14 AGUILAR in plaintiffs' Ninth Claim for Relief (Negligent Infliction of Emotional
15 Distress) in its entirety and as to all parties.

16 6. Defendants hereby stipulate to forgo requesting, subpoenaing or moving
17 to compel plaintiffs' mental, psychological, and/or therapeutic records in exchange
18 for the dismissal of plaintiffs' Ninth Claim for Relief (Negligent Infliction of
19 Emotional Distress).

20 7. Furthermore, plaintiffs and defendants each affirm that the parties hereby
21 mutually waive and release all such aforementioned dismissed/stricken claim(s) –
22 including all claims for liability or damages or otherwise by any of the plaintiffs
23 against any of the defendants or their agents or employees – and mutually waive and
24 release all costs, court fees, and attorneys' fees arising out of this litigation between
25 these parties thereto as to the aforementioned dismissed claim.

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2 DATED: October 24, 2025

Respectfully submitted,

3 **MANNING & KASS**
4 **ELLROD, RAMIREZ, TRESTER LLP**

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6
7 By: /s/ *Maya R. Sorensen*

Mildred K. O'Linn

Lynn Carpenter

Maya Sorensen

8 Attorneys for Defendants, CITY OF
9 FRESNO, FMR. POLICE CHIEF PACO
10 BALDERRAMAJOHN AYERS,
11 BRANDON CROCKETT,
12 JONATHAN ABRAHAM, and
13 ANTHONY AGUILAR

14 DATED: October 24, 2025

Respectfully submitted,

15 **LAW OFFICE OF DALE GALIPO**

16
17 By: /s/ *Cooper Alison-Mayne*

Dale K. Galipo

Cooper Alison-Mayne

18 Attorneys for plaintiffs Maria Sosa, L.S.,
19 and M.S.
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